

**610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet.**

- (1) If a child has been removed from the home and placed in the custody of the Department of Juvenile Justice or the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and every twelve (12) months thereafter if custody and out-of-home placement continues, to determine the future status of the child. For purposes of this section, a child shall be considered to have entered foster care on the earlier of the date of the first judicial finding that the child has been subjected to child abuse or neglect or the date that is sixty (60) days after the date on which the child is removed from the home.

The court shall address the following areas:

- (a) If parental rights have not been terminated, whether the child should be returned to the parent;
  - (b) Whether the child should be placed for adoption;
  - (c) Whether the child should be placed with a permanent custodian; and
  - (d) Whether the cabinet has documented a compelling reason that it is in the best interest of the child who is age sixteen (16) or older to be placed in another planned permanent living arrangement other than those listed in this subsection. Prior to the approval of this permanency goal, the court shall:
    1. Ask the child about the desired permanency outcome; and
    2. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency goal for the child and provide compelling reasons why it continues to not be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative or fictive kin.
- (2) If the cabinet or the Department of Juvenile Justice determines that reasonable efforts to reunify the child with the child's parent will not be made, the cabinet or Department of Juvenile Justice shall file a case permanency plan as defined by KRS 620.230 or case progress report with the court that documents the reasons for not making reasonable efforts. The court shall hold a permanency hearing within thirty (30) days of the filing of the cabinet's or Department of Juvenile Justice's plan or report with the Court.
- (3) The Department of Juvenile Justice or the cabinet shall inform the court not less than sixty (60) days prior to the expiration of the time in which the hearing shall be held and within the time established in subsection (1) of this section, and shall further inform the court of the name and address of the child's foster parents, preadoptive parents, fictive kin, or relatives providing care to the child; court-appointed special advocate; and foster care review board member assigned to the case. For the hearing to be held pursuant to subsection (2) of this section, the names and addresses of the persons identified in this subsection shall be provided in the case permanency plan or case progress report to be filed with the court. The court shall set a time for the hearing and

notify the child's parent, foster parents, preadoptive parents, fictive kin, or relatives providing care to the child and who also shall have a right to be heard; court-appointed special advocate; foster care review board member assigned to the case; attorney for the child; attorney for the parent, if any; and the Department of Juvenile Justice or the cabinet.

- (4) The Department of Juvenile Justice or the cabinet shall present evidence to the court concerning the care and progress of the child since the last permanency hearing, including the following:
- (a) The length of time the child has been committed to the Department of Juvenile Justice or the cabinet;
  - (b) The number, location, and date for each placement during the total period of the child's commitment;
  - (c) A description of the services and assistance provided to the parent or arranged by the Department of Juvenile Justice or the cabinet since the last case permanency plan or case progress report, and the results achieved;
  - (d) A description of the efforts and progress of the child's parent since the last case permanency plan and case progress report, including the number and dates of parental visits and the extent, quality, and frequency of the parent's communication with the child;
  - (e) The familial and institutional barriers to:
    - 1. Returning the child to the home;
    - 2. Ending the commitment of the child to the Department of Juvenile Justice or the cabinet; and
    - 3. Delivery of appropriate services needed by the child;
  - (f) Recommendations of services needed to make the transition from out-of-home care to independent living for children who have reached the age of fourteen (14) years;
  - (g) An evaluation of the child's current placement and services provided to the child;
  - (h) Recommendations for necessary services required to terminate the commitment of the child to the cabinet, to return the child home, or to facilitate another permanent placement;
  - (i) Recommendations as to the permanency goal for the child; and
  - (j) For a child with another planned permanency arrangement as the child's permanency goal:
    - 1. The intensive, ongoing efforts to return the child to the home or secure a placement with a fit and willing relative, legal guardian, fictive kin, or adoptive parent, including efforts that utilize search technology to find the biological family;
    - 2. The steps the agency is taking to ensure that the child's foster family home or licensed child-caring facility is following the reasonable and prudent parent standard in accordance with 42 U.S.C. sec. 671; and
    - 3. The cabinet's efforts to ensure the child has regular, ongoing opportunities to engage in age or developmentally appropriate

activities, including consulting with the child in an age and developmentally appropriate manner about the opportunities of the child to participate in the activities.

- (5) (a) The child's parent, foster parent, preadoptive parent, fictive kin, or relative providing care to the child shall have the right to be heard; and
- (b) The attorney for the parent, attorney for the child, or court-appointed special advocate, if deemed appropriate by the court, may present any evidence relevant to the determination of a permanency goal for the child.
- (6) Upon conclusion of the hearing the court shall make a written order determining the permanency plan for the child.
- (7) If necessary, the case may be redocketed for further review of the progress toward the implementation of the permanency plan established at the permanency hearing.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 10, sec. 5, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 115, sec. 5, effective July 15, 2016. -- Amended 2013 Ky. Acts ch. 79, sec. 3, effective June 25, 2013. -- Amended 2000 Ky. Acts ch. 60, sec. 3, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 57, sec. 8, effective March 17, 1998; and ch. 398, sec. 9, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 358, sec. 26, effective July 1, 1997. -- Created 1994 Ky. Acts ch. 318, sec. 2, effective July 15, 1994; and ch. 489, sec. 2, effective July 15, 1994.